

ORIGINAL

FILED

May 14 2010

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

1 Jeremy S. Yelling, Esq.  
2 Attorney at Law  
3 P.O. Box 564  
4 Havre, MT 59501  
5 Telephone: (406) 265-3303  
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7 ATTORNEY FOR RESPONDENT

8 **IN THE SUPREME COURT OF THE STATE OF MONTANA**

9 IN RE THE PARENTING OF,  
10 D.N.S. A MINOR,

Cause No.: DA 09-0521

11 ASHLEY N. WATERS,

12 Petitioner and Appellee,

13 and

14 CLAUDE DANIEL SMITH,

15 Respondent and Appellant.

**MOTION TO EXTEND  
BRIEFING DEADLINE**

16 COMES NOW the Appellant (Mr. Smith) herein, by and through the undersigned, and  
17 moves the Court to extend the briefing deadline to reply to Appellee's brief, until May 24, 2010.

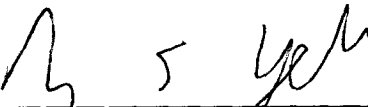
18 The basis for this motion is that the undersigned has been preparing for an extensive  
19 dissolution proceeding in Blaine County District Court styled in *Re the Marriage of Robert H.  
20 Sizemore and Marjorie F. Sizemore*, Cause No.: DR-08-03, which goes to Court on May 18,  
21 2010.

22 The undersigned also has to appear in Federal Court for a trial on May 12, 2010, in a  
23 matter styled *United States v. Donald Bradley Lynn* CR-10-35-RKS.

24 The undersigned believes that a two (2) week extension, which would move the new  
25 deadline to reply to Appellee's Brief to May 24, 2010, will suffice.

26 The undersigned's office contacted opposing counsel and he does not oppose an  
27 extension in this matter.

28 Dated this 12th day of May, 2010.

  
Jeremy S. Yelling, Esq.  
Attorney for Appellant

**Certificate of Service**

I hereby certify that on the 10 day of May, 2010, I;

☒ Mailed

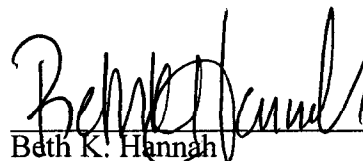
☐ Hand-delivered

☐ Faxed

a copy of the forgoing document to the following:

Terrance L. Toavs  
Law Offices of Terrance L. Toavs  
429 2<sup>nd</sup> Avenue South  
Wolf Point, MT 59201

Claude Daniel Smith  
40122 Dellwo Road  
Charlo, MT 59824

  
Beth K. Hannah

1 Jeremy S. Yelling, Esq.  
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7 ATTORNEY FOR RESPONDENT

8 **IN THE SUPREME COURT OF THE STATE OF MONTANA**

9 IN RE THE PARENTING OF,  
10 D.N.S. A MINOR,

Cause No.: DA 09-0521

11 ASHLEY N. WATERS,

Petitioner and Appellee,

12 and

13 CLAUDE DANIEL SMITH,

14 Respondent and Appellant.

**AFFIDAVIT IN SUPPORT  
OF MOTION TO EXTEND**

15 STATE OF MONTANA )

16 ) ss.

County of Hill )

17 I, Jeremy S. Yellin, after being duly sworn, upon my oath, do depose and say as follows:

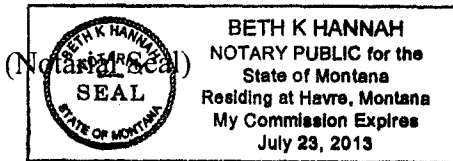
- 18 1. That your affiant has been unable to prepare a response to Appellee's brief in this  
19 matter;
- 20 2. That your affiant has been preparing for an extensive dissolution proceeding in  
21 Blaine County styled in Re the Marriage of Robert H. Sizemore and Marjorie F.  
22 Sizemore, Cause No.: DR-08-03, which goes to Court on May 18, 2010;
- 23 3. That your affiant also has trial in a Federal Court matter styled United States v.  
24 Donald Bradley Lynn, Cause No.: CR-10-35-RKS;
- 25 4. That your affiant believes a two (2) week extension will provide him with enough  
26 time to complete the response;
- 27 5. That this would move the deadline to May 24, 2010; and  
28

6. FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 12<sup>th</sup> day of May, 2010.

Jeremy S. Yellin, Esq.

SUBSCRIBED AND SWORN to before me this 10 day of May, 2010.



Beth K Hannah  
Notary Public for the State of Montana.  
Printed Name Beth Hannah  
Residing at Havre, MT  
My commission expires: 7/23/13